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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/907,908	07/19/2001	Andre Messenger	Q65332	9943

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EXAMINER

KNOWLIN, THJUAN P

ART UNIT PAPER NUMBER

2642

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/907,908

Applicant(s)

MESSENGER ET AL.

Examiner

Thjuan P Knowlin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.
2. The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.
3. The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.
4. The abstract of the disclosure is objected to because it contains the phrase "A method is disclosed," which can be implied. Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2, 4-6, and 8-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Birze (US 5,926,537).

6. In regards to claims 1, 4, 5, 8, 9, 10, 11, 12, and 13, Birze discloses a method and network of providing the preferential facility of obtaining particular calls between users by reserving circuit segments for some users of a communication network (telecommunications network Fig. 1) in the event that said particular calls are established via at least two switching nodes (telecommunications exchange 20 and telecommunications exchange 30) of said network, in the context of a network constituted so that each call requested by a user via a terminal (calling party subscriber terminal 10) is set up via a circuit (circuit/call connection 80) for connecting said terminal to the terminal of a called user (called party subscriber terminal 50), said circuits comprising one circuit segment or a plurality of circuit segments connected in series, when said call is set up via a plurality of switching nodes of said network, each segment being selected from available circuit segments on a trunk between two switching nodes so that a circuit is set up enabling the calling user and the called user to communicate (col. 3-4 lines 35-11), which method includes the following operations: permanently reserving at least one circuit segment on each trunk between nodes needed to set up circuits for each of said particular calls between users for which a preferred user attribute has been granted to at least one particular user of the two users concerned (col. 5 lines 31-41). Birze, however, does not specifically disclose dynamically allocating circuit segments selected from said reserved segments and needed to set up a circuit from said terminal of one user who has a preferred user attribute for particular calls in the event of a call set-up request by one of said users in respect of a call for which he has been granted a preferred user attribute. However, it is well known in the

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art, that when a line/circuit is reserved for a particular user at a particular time, that after that time has expired, or the connection between the caller and called party has been terminated, the line/circuit is dynamically allocated. Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to employ this feature into the method and network, as a way of making sure that the lines/circuit are dynamically allocated in order to keep the traffic load balanced/reduced and to make sure that the lines/circuits are "recycled" for further usage.

7. In regards to claims 2 and 6, Birze discloses the method and network, wherein a preferred user attribute is assigned to each user and corresponds to a particular category indication in the case of preferred users included in the calling user identifier (distinctive ring tone) that is transmitted for setting up a circuit at the time of a call request (col. 4 lines 43-65).

8. Claims 3 and 7 are rejected under 103(a) as being unpatentable over Birze (US 5,926,537), in view of Bressler (US 6,584,190).

9. Birze discloses all of claims 3 and 7 limitations, except the method and network, wherein minimum-cost algorithm used to choose a circuit set up time of a call request gives priority to choosing the shortest circuit set up via one or more reserved circuit segments in series when the request emanates from a user who has a preferred user attribute relating to the call requested and uses an unreserved circuit segment of a trunk if no reserved segments of said trunk are available and said trunk has at least one unreserved segment available at the time. Bressler, however, does disclose the method and network, wherein minimum-cost algorithm used to choose a circuit set up

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time of a call request gives priority to choosing the shortest circuit set up via one or more reserved circuit segments in series when the request emanates from a user who has a preferred user attribute relating to the call requested and uses an unreserved circuit segment of a trunk if no reserved segments of said trunk are available and said trunk has at least one unreserved segment available at the time (col. 9 lines 3-29).

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to employ this feature into the method and network, as a way of balancing and reducing the traffic load, and also reducing cost.

### ***Response to Arguments***

10. Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. McAllister et al (US 6,560,218) teach SVC routing in network with static routing tables. Peterson et al (US 5,170,393) teach adaptive routing of messages in parallel and distributed processor systems. Muroga et al (US 3,649,767) teach an automatic telephone system activated by stored programs and including circuits to indicate busy-idle states of system components.

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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thjuan P Knowlin whose telephone number is (703) 308-1727. The examiner can normally be reached on Mon-Fri 8:00-4:30pm.

13. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (703)305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thjuan P. Knowlin

A handwritten signature in black ink, reading "Ahmad Matar". The signature is written in a cursive, flowing style.